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9 Attorneys for Petitioner
10 MICHAEL M. FANOUS, D.P.M.

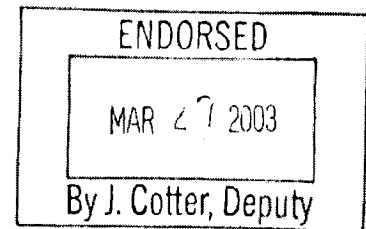
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**SUPERIOR COURT OF THE STATE OF CALIFORNIA
FOR THE COUNTY OF SACRAMENTO**

11 MICHAEL M. FANOUS, D.P.M.,
12 Petitioner,
13 v.
14 BOARD OF PODIATRIC MEDICINE,
15 Respondent.

Case No. 03CS00075

~~Proposed~~
**JUDGMENT GRANTING
PEREMPTORY WRIT OF
ADMINISTRATIVE MANDATE**

17 This matter having been bifurcated for a hearing on the merits of whether respondent
18 BOARD acted in excess of its jurisdiction in granting reconsideration of its Decision and Order in
19 BOARD Case No. 1B-2000-116596, dated February 19, 2002, which was to have become effective
20 March 21, 2002, and all other issues raised in the Verified Petition for a Writ of Administrative
21 Mandate having been reserved for reasons of judicial economy if this single issue were to be
22 dispositive, the telephonic hearing on the bifurcated jurisdictional issue came regularly before this
23 Court on Friday, February 21, 2003, on petitioner FANOUS's verified petition for a peremptory writ
24 of administrative mandate against respondent BOARD OF PODIATRIC MEDICINE. Russell
25 Iungerich of IUNGERICH & SPACKMAN, A Professional Law Corporation, appeared as attorneys
26 for petitioner MICHAEL M. FANOUS, D.P.M. Bill Lockyer, Attorney General of the State of
27 California, by Mia Perez-Argote, Deputy Attorney General, appeared as attorneys for respondent
28 BOARD OF PODIATRIC MEDICINE. The verified petition for administrative mandate with its



1 attached exhibits, and the briefs of all parties supporting and opposing the petition for a peremptory
2 writ of administrative mandate against respondent BOARD on the jurisdictional issue only were
3 received and reviewed by the Court. Thereafter this Court heard oral argument of all parties. This
4 Court then ordered further briefing by the parties. After that further briefing was received and
5 reviewed, this Court affirmed its tentative ruling to grant the petition for a writ of mandate. The
6 tentative ruling and this COURT'S RULING ON SUBMITTED MATTER dated February 27, 2003,
7 which modified the tentative ruling and both of which rulings are attached to this judgment and
8 incorporated herein by this reference, constitute this Court's Statement of Decision. Pursuant to
9 that Statement of Decision, this Court grants Dr. FANOUS'S petition for a peremptory writ of
10 administrative mandate pursuant to Code of Civil Procedure section 1094.5, and

11 IT IS ORDERED, ADJUDGED and DECREED that:

12 1. The petition for a writ of administrative mandate is granted;

13 2. A peremptory writ of administrative mandate shall issue remanding this
14 matter to respondent BOARD OF PODIATRIC MEDICINE, and commanding
15 respondent BOARD as follows:

16 (1) to vacate and set aside your DECISION FOLLOWING ORDER
17 GRANTING RECONSIDERATION dated November 20, 2002, effective December
18 20, 2002, in Board of Podiatric Medicine Case No. 1B-2000-116596, OAH No. L-
19 2001070233, purporting to reinstate petitioner FANOUS's license to practice
20 podiatric medicine and placing him on probation for 25 years after May 1, 2003 if yet
21 another psychiatric evaluation determines that he is mentally fit to resume the practice
22 of podiatric medicine;

23 (2) to reinstate your Decision and Order in the same case dated February
24 19, 2002, which was to have become effective March 21, 2002. had reconsideration
25 not been unlawfully granted;

26 (3) to restore his Podiatric Medical License No. E-3544 to a clear status, and

27 (4) to withdraw or rescind any posting(s) on the internet and/or filings with the
28 National Practitioner Data Bank based on the decision and order here commanded to

1 be vacated.

2 3. Petitioner FANOUS shall recover his costs against the MEDICAL
3 BOARD OF CALIFORNIA in the amount of \$_____.

4 Dated: March 25, 2003.

5 TRENA H. BURGER-PLAVAN

6 Honorable TRENA H. BURGER-PLAVAN
7 Judge of the Superior Court

8 Approved as to form:
9 BILL LOCKYER
Attorney General

10 By Mia Perez-Argote/SHD
11 Mia Perez-Argote
12 Deputy Attorney General
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9 Attorneys for Petitioner
10 MICHAEL M. FANOUS, D.P.M.

11 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**
12 **FOR THE COUNTY OF SACRAMENTO**

13 **MICHAEL M. FANOUS, D.P.M.,**

14 **Petitioner,**

15 **v.**

16 **BOARD OF PODIATRIC MEDICINE,**

17 **Respondent.**

Case No. 03CS00075

**PEREMPTORY WRIT OF
ADMINISTRATIVE MANDATE**

18 THE PEOPLE OF THE STATE OF CALIFORNIA, TO THE BOARD OF PODIATRIC
19 MEDICINE, RESPONDENT:

20 GOOD CAUSE APPEARING from the verified petition for writ of administrative
21 mandate in this proceeding and from the hearing held on the verified petition for the issuance of a
22 peremptory writ, and judgment having been entered in this action ordering a peremptory writ of
23 administrative mandate be issued from this Court, this matter is remanded to respondent, and

24 YOU ARE HEREBY COMMANDED immediately on receipt of this writ:

25 (1) to vacate and set aside your DECISION FOLLOWING ORDER GRANTING
26 RECONSIDERATION dated November 20, 2002, effective December 20, 2002, in Board of
27 Podiatric Medicine Case No. 1B-2000-116596, OAH No. L-2001070233, purporting to reinstate

1 petitioner FANOUS's license to practice podiatric medicine and placing him on probation for 25
2 years after May 1, 2003 if yet another psychiatric evaluation determines that he is mentally fit to
3 resume the practice of podiatric medicine;

4 (2) to reinstate your Decision and Order in the same case dated February 19, 2002, which
5 was to have become effective March 21, 2002. had reconsideration not been unlawfully granted;

6 (3) to restore his Podiatric Medical License No. E-3544 to a clear status,
7 and

8 (4) to withdraw or rescind any posting(s) on the internet and/or filings with the National
9 Practitioner Data Bank based on the decision and order here commanded to be vacated.

10 YOU ARE FURTHER COMMANDED to make and file a return to this writ within
11 sixty (60) days of its service upon you, which return shall set forth what you have done to comply.

12 Dated: March 25, 2003.

13
14 [Seal]



SACRAMENTO SUPERIOR COURT

15
16 By: _____

JAN COTTER

Deputy Clerk

17
18
19 Approved as to form:

20 BILL LOCKYER
Attorney General of California

21
22 By Mia Perez-Argote/JHQ
Mia Percz-Argote
23 Deputy Attorney General

PROOF OF SERVICE BY
FEDERAL EXPRESS

STATE OF CALIFORNIA }
COUNTY OF LOS ANGELES } ss.

I am over the age of 18 years, employed in the County of Los Angeles, and not a party to the within action; my business address is 28441 Highridge Road, Rolling Hills Estates, California 90274-4871. I am employed by a member of the bar of this court.

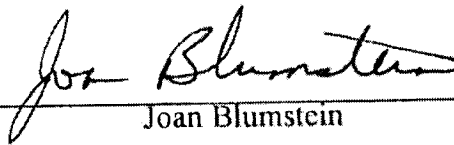
On March 18, 2003, I served the within

PEREMPTORY WRIT OF ADMINISTRATIVE MANDATE

in said action by placing a true copy of this document in a Federal Express package, addressed as follows, and entrusted the same with Federal Express at Rolling Hills Estates, California for next day delivery:

Mia Perez-Argote, D.A.G.
Office of the Attorney General
300 So. Spring Street, Suite 5212
Los Angeles, CA 90013

I declare under penalty of perjury that the foregoing is true and correct.
Executed this 18th day of March, 2003, at Rolling Hills Estates, California.


Joan Blumstein

Proof of Service

I, James C. Arizola, certify and declare as follows:

I am a citizen of the United States and employed in Sacramento County,
I am over the age of 18 years and not a party to this action. My business address is
400 Capitol Mall, Suite 1100, Sacramento, California 95814.

On April 1, 2003, at 11:26 a.m., I delivered a true and correct copy of the
document(s) set forth below in the manner indicated.

(xx) By serving: By serving a copy of the document(s)
to the person(s) at the address(es) listed below.

Case Number: 03CS00075

Document(s) Served:

- 1) **Peremptory Writ of Administrative Mandate**

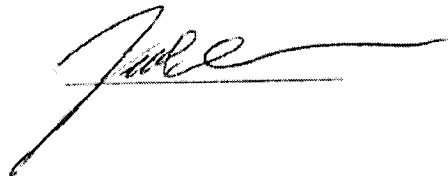
Individual(s) Served:

Jim Rathlessberger, Executive Officer
Board of Podiatric Medicine
1420 Howe Ave., Suite 8
Sacramento, CA 95825

I declare under penalty of perjury under the laws of the State of California that the
foregoing is true and correct.

Executed on April 2, 2003, at Sacramento, California.

Capitol Mall Courier Services
400 Capitol Mall, Suite 1100
Sacramento, CA 95814



Proof of Service

I, Jessal Cornubian, certify and declare as follows:

I am a citizen of the United States and employed in Sacramento County,
I am over the age of 18 years and not a party to this action. My business address is
400 Capitol Mall, Suite 1100, Sacramento, California 95814.

On April 1, 2003, at 11:26 a.m., I delivered a true and correct copy of the
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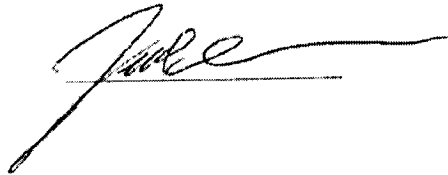
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Telephone: (310) 697-0288
Fax: (310) 697-0289

5 Attorneys for Petitioner
6 **MICHAEL M. FANOUS, D.P.M.**

7
8 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**
9 **COUNTY OF LOS ANGELES**

10 **MICHAEL M. FANOUS, D.P.M.**

11 Petitioner,

12 vs.

13 **BOARD OF PODIATRIC MEDICINE**

14 Respondent.

Case No. 03CS00075

NOTICE OF ENTRY OF JUDGMENT

15 TO: MIA PEREZ-ARGOTE, DEPUTY ATTORNEY GENERAL:


16 NOTICE IS HEREBY GIVEN that on March 27, 2003 the Court entered judgment
17 in favor of Petitioner, Michael M. Fanous, D.P.M., as follows (copy attached):

- 18 1. The petition for a writ of administrative mandate is granted;
- 19 2. A peremptory writ of administrative mandate shall issue remanding this matter
20 to respondent BOARD OF PODIATRIC MEDICINE, and commanding
21 respondent BOARD as follows:
 - 22 (1) To vacate and set aside your DECISION FOLLOWING ORDER GRANTING
23 RECONSIDERATION dated November 20, 2002, effective December 20,
24 2002, in Board of Podiatric Medicine Case No. 1B-2000-116596, OAH No.
25 L-2001070233, purporting to reinstate petitioner FANOUS's license to
26 practice podiatric medicine and placing him on probation for 25 years after
27 May 1, 2003 if yet another psychiatric evaluation determines that he is
28 mentally fit to resume the practice of podiatric medicine;

- 1 (2) to reinstate your Decision and Order in the same case dated February 19,
2 2002, which was to have become effective March 21, 2002, had
3 reconsideration not been unlawfully granted;
4 (3) to restore his Podiatric Medical License No. E-3544 to a clear status, and
5 (4) to withdraw or rescind any posting(s) on the internet and/or filings with the
6 National Practitioner Data Bank based on the decision and order here
7 commanded to be vacated.

8 DATED: March 31, 2003
9

10 Respectfully submitted,
11 IUNGERICH & SPACKMAN
12 A Professional Law Corporation

13 By 
14 Russell Iungerich
15 Attorneys for Respondent
16 MICHAEL M. FANOUS, D.P.M.

17 cc: Jennevee De Guzman, DAG
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